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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,802	07/30/2001	Yokio Isobe	16869S-019500US	7357
20350	7590	06/01/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				BOCCIO, VINCENT F
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/757,802	ISOBE ET AL.
Examiner	Art Unit	
Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on Election on 3/20/06.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-3,5-9,14 and 18-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,5,6,14 and 18-21 is/are rejected.

7)  Claim(s) 7-9 and 13 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 30 July 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

**Election/Restrictions**

1. Applicant's election without traverse of species IV, claims 1-3, 5-9, 13-14, 18-21, in the reply (3/20/06) is acknowledged.

**Drawings**

1. The drawings are objected to because

- Fig. 17, item 2510, "STRAEM WRITE STATUS", the examiner suggests, "STREAM ...".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended will be by a replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 19 is objected to because of the following informalities:

{A} Claim 19, line 2, "claim 1.4", the examiner suggests, "claim 14".

Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 14, 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding, claim 14, line 6, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d) .

Regarding claim 14, line 6, the wording "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d) .

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Gotoh et al. (US 6,282,365) .

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Regarding claim 14 Gotoh discloses and meets the limitation associated with a recording/reproduction method for recording picture and sound on the basis of said management information, characterized in that control means is provided for controlling in general inclusive of the recording and reproduction and

- storing means is provided for storing statuses (Fig. 1, steps A7, A10, also Fig. 1, 3, 9, 12, 13, 24), wherein the control means is so arranged as to store sequentially in the storage means status discriminating information indicative of operating statuses (during a recording operation);
- "such as", recording or reproduction or edition and the like, any one of these operations;
- wherein upon activation the control means reads out the status discriminating information (to analyze the recorded A9, data for errors, step A10) from the storing means to analyze (step A10, "no error" or "address read out error", based on the status and analysis), the picture/sound data in accordance to the status discriminating information for thereby,
- correcting by skipping the recorded management data (Fig. 1, recording operation, A9 in view of A8, recorded ECC, status from step A10) and picture/sound data themselves (A12, when step A10 indicates error), into information and data each of proper format (read-able);
- wherein on the basis of the status discriminating information {of the data currently being recorded} read out to perform data verification step A10, which is stored, that the information succeeding (Later or after the current) is not reflected yet (not processed), analysis is performed for location not reflected yet by acquiring information from the management information (met by location verification prior to recording, step A7, address OK, prior to recording either ECC or content, being A & V), claim 15,
- wherein, when it is decided on the basis of status read out that an intermediate portion (during recording, middle or so portions) of the A/V data is not reflected yet analysis is performed from a leading location (current location to record to, met by step A7, address OK prior to recording operation), claim 16.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh et al. (US 6,282,365), as applied to claim 14 above.

Regarding claim 1, Gotoh discloses and reads on an apparatus and method for recording and reproduction,

- Encoded/decoder audio and video (Figs. 15 or 18, AV data, "R2 MPEG Encoder" & Decoder R4);
- management information (stored on the medium also uses main memory R1b), consolidated management, reading and writing management data (Fig. 3) generation destined data generating means/storage means (R1);
- record medium & drive (Fig. 4 A, DISK/DISC, col. 6, DVD-RAM), wherein the management information is generated during recording and used during reproduction, it is deemed that Gotoh meets the claimed limitations but fails to particularly show the limitation of a multiplexing means for multiplexing audio and video.

The examiner takes official notice that the environment of Gotoh, DVD-RAM, Fig. 22, VOB, it is known to perform multiplexing after encoding and recording the multiplexed stream to DVD RAM, and what is obvious to de-multiplex a

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multiplexed stream, being a known and conventional data structure.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Gotoh by providing a multiplexer to multiplex audio and video to a known and conventional multiplexed format, deemed to be obvious and well known data structure, as known to those skilled in the art.

Claim 2 is analyzed and discussed with respect to claim 1 above.

4. Claims 3, 5-6, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh et al. (US 6,978,084) in view of Hasegawa et al. (US 6,633,724).

Regarding claims 18-19, Gotoh provides for detecting impropriety, in an immediate portion analyzing and compensating

- but, fails to disclose when impropriety is detected based on discriminating information and deleting a management sub-unit which contains impropriety and prioritizing or updating the management data containing impropriety independently as a management unit of a higher rank and is handles an attribute not to be outputting for reproduction (management data).

Hasegawa Fig. 6, teaches detecting impropriety (604), at immediate portions (during recording), status information (see writing flag, abstract), wherein the impropriety is deleted by being updated (steps 610 & 616), which 610 has a higher rank by being first updated and lower rank by update 616, wherein updating reads on deleting or updating or writing over corrupted data or deleting, as taught by Hasegawa.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Gotoh by setting a flag during recording and upon a fault to detect the flag and use as an indicator of fault and to delete by updating management data, in a higher, lower ranking operation upon this condition, to compensate for faults during recording, which solves issues during reproduction, as taught by Hasegawa.

Regarding claims 20-21, the combination as applied renders obvious, an apparatus and associated method set forth in claims 18-19 are adopted.

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Regarding claim 3, Gotoh fails to particularly disclose recording status being held even when the power supply is broken.

Hasegawa teaches use of a memory (col. 4, lines 29-, col. 6, lines 20-, power outage) being non-volatile thereby when during a recording operation to store status or recovery data, detected upon powering up and recovering to recover of most if not all newly recorded data file, thereby compensating and correcting, by updating, recovering of data and management information, as taught by Hasegawa.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to provide a non-volatile memory to allow for detection of fault during recording to thereafter perform, compensation or even recovery some if not all data, as taught by Hasegawa.

Regarding claims 5-6 is deemed analyzed and discussed with respect to the combination as applied to the claims above, wherein upon a fault status is checked and data is updated or written over therefore, deleted, which the corrupted data contained un reproducible information up to an end of a file determined to be affected wherein there are two groups in Fig. Fig. 6, shows two groups of repair process 610 and 616 (Hasegawa, Fig. 6, 610 and 616, which includes up to an end of a file or updating even to the end of the corrupted file or files).

#### **Allowable Subject Matter**

5. Claims 7-9, 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach, disclose or fairly suggest as recited claim 13, the prior art fails to disclose the combination as recited

comprising:

- a nonvolatile status management memory for storing process statuses of recording, repair of management data, restoring normal format, when abnormal and active processing means designed upon activation thereof to supervise the memory issues a command for expanding the file, dependence upon status, command repair processing means to repair the management information the

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multiplexed stream file, the repair processing means to alter names and combine plural sets of picture data files of the picture and management files into one set.

Claim 7 is objected to for substantially the same reasons as claim 13.

**Contact Fax Information**

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
5/30/06

*Vincent F. Boccio*  
VINCENT BOCCIO  
PRIMARY EXAMINER